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9
10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE**
12 **NORTHERN MARIANA ISLANDS**

13 **CIVIL ACTION NO. 05-0031**

14 **JUNG SOON LEE, (Deceased) By SUNG**
15 **YOUNG LEE, Personal Representative,**

16 **Plaintiff,**

17 **v.**

18 **DONG GUK CORPORATION,**

19 **Defendants.**

20 **PLAINTIFF'S AMENDED AND**
21 **SUPPLEMENTAL RESPONSE TO DONG**
22 **GUK CORPORATION'S FIRST SET OF**
23 **INTERROGATORIES**

24 COMES NOW, Sung Yung Lee, the personal representative of Jung Soon Lee
25 (Deceased) and hereby responds as follows:

26 **INTERROGATORY NO. 1**

27 State the name, current address and current telephone number of each person, other than
28 Jung Soon Lee, that was in the motor vehicle driven by Gyu Jin Kim at the time of the accident.

29 **ANSWER:**

30 The passengers to the vehicle were Jung Soon Lee (deceased) whose address was P.O.
31 Box 505236 Saipan, MP 96950 in San Vicente (See Certificate of Death) and Jin Joo Park
32 whose address is unknown at this time and her phone number is 235-3535.

1 **INTERROGATORY NO. 2**

2 State exactly where each individual, including Jung Soon Lee was sitting in the motor
3 vehicle driven by Gyu Jin Kim at the time of the accident.

4 **ANSWER:**

5 Based on information and belief and without having personal knowledge, Jin Joo Park
6 was a passenger sitting on the back side of the vehicle and Jung Soon Lee was also a passenger
7 sitting on the front. See Police Report.

9

10 **INTERROGATORY NO. 3**

11 Fully and comprehensively describe the type of alcoholic beverages and number of each
12 type of alcoholic beverage that Gyu Jin Kim consumed during the ten hour period immediately
13 prior to the accident and the location and time at the location where Gyu Jin Kim consumed such
14 alcoholic beverages.

16 **ANSWER:**

17 Based on information and belief and without having personal knowledge, Gyu Jin Kim
18 consumed alcoholic beverages at Defendant's premises. Gyu Jin Kim came to the Defendant's
19 establishment sometimes around 12:45 a.m. to 1:00 a.m. and Defendants began to serve
20 alcoholic beverages. The type of alcoholic beverage that Gyu Jin Kim was drinking is soju and
21 beer.

23

24 **INTERROGATORY NO. 4**

25 Fully and comprehensively describe the type of alcoholic beverages and number of each
26 type of alcoholic beverage that Jung Soon Lee consumed during the ten hour period immediately
27 prior to the accident and the location and time at each location where Jung Soon Lee consumed

1 such alcoholic beverages.

2 **ANSWER:**

3 Based on information and belief and without having personal knowledge, Jung Soon Lee
4 consumed alcoholic beverages only at Defendant's premises. Jung Soon Lee came to the
5 Defendant's establishment sometimes around 12:45 a.m. to 1:00 a.m. and Defendants began to
6 serve alcoholic beverages. The type of alcoholic beverages that Jung Soon Lee was drinking is
7 beer.
8

9

10 **INTERROGATORY NO. 5**

11 For each person identified in response to Interrogatory number 1, fully and
12 comprehensively describe the type of alcoholic beverages and number of each type of alcoholic
13 beverage that the person had consumed during the ten hour period immediately prior to the
14 accident and each location where the person consumed the alcoholic beverage.
15

16 **ANSWER:**

17 Based on information and belief and without having personal knowledge,

18 1. Jung Soon Lee (deceased): Consumed alcoholic beverages and it is believed to be
19 beer. She consumed all the alcoholic beverages at the defendant's premises.
20
21 2. Jin Joo Park: Consumed alcoholic beverages. The type of alcoholic beverage is
22 beer. She consumed all the alcoholic beverages at the defendant's premises.
23
24 3. Gyu Jin Kim: Consumed alcoholic beverages. The type of alcoholic beverage is
25 Soju and beer. She consumed all the alcoholic beverages at the defendant's
26 premises.
27

28 **INTERROGATORY NO. 6**

1 State the name, current address, current telephone number and current email address of each
2 person whom you contend consumed alcohol at defendant's establishment after 2:00 a.m. on or
3 about August 2, 2004.

4 **ANSWER:**

5 Based on information and belief and without having personal knowledge, there were
6 numerous people at the establishment after 2:00 a.m. on or about August 02, 2004 and alcoholic
7 beverages were served. The following individuals were at the establishment but to the extent
8 that they consumed alcoholic beverages, the type of alcoholic beverages and the amount are
9 unknown at this time. Accordingly, it is believed that the following individuals were present at
10 the establishment at said time:

- 12 1. Kim, Mee Yeon: 483-8848 (9990)
- 13 2. Sim, Bo Mi 288-1135
- 14 3. Jung, Eun Gi 235-8132
- 15 4. Choi, Young Jin 233-5678
- 16 5. Choi, Ji Won 483-2701
- 17 6. Park, Jin Joo 235-3535
- 18 7. Jung Soon Lee (Deceased)
- 19 8. Gyu Jin Kim Contact Number unknown

22 **INTERROGATORY NO. 7**

24 Fully and comprehensively state how the accident occurred.

25 **ANSWER:**

26 Based on information and belief and without having personal knowledge, the accident
27 occurred as stated in the police report. The Police Report is provided herewith.
28

INTERROGATORY NO. 8

Fully and comprehensively state each duty owed to Jung Soon Lee which you contend was breached by defendant and the facts which support each contention.

ANSWER:

As stated in the complaint and is incorporated herein fully, Defendant has a duty to close the establishment and not serve any alcoholic beverages beyond the authorized legal time. Defendant kept the establishment open and continued to served alcoholic beverages to Jung Soon Lee, Park Jin Joo and Gyu Jin Kim. Defendant has a duty not to serve any alcoholic beverages to any individual who is also apparently intoxicated. Based on information and belief, Gyu Jin Kim was obviously intoxicated but Defendant continued to serve alcoholic beverages.

INTERROGATORY NO. 9

For each fact identified in your response to Interrogatory No. 8, please state the name, current address, current telephone number and current email address for each person known to you who possesses discoverable knowledge of the fact and the knowledge possessed by the person.

ANSWER:

Based on information and belief and without having personal knowledge, the individuals who are mentioned in the answer to Interrogatory No. 6 have knowledge. The specifics of their information are unknown. Also, Mr. David O. Sablan whose contact number is 285-6754 has stated that he too have entered Defendant's establishment on other occasions and have seen Defendants serve alcoholic beverages beyond the authorized legal time.

INTERROGATORY NO. 10

1 For each fact identified in your response to Interrogatory No. 8, please identify each
2 document known to you which supports the fact.

3 **ANSWER:**

4 No document is available in response to this interrogatory.
5

6

7 **INTERROGATORY NO. 11**

8 Fully and comprehensively identify the economic damages, you content they have been
9 suffered as a result of the accident and the monetary value placed on such economic damages.

10 **ANSWER:**

11 The question is vague and confusing as to the word "they". Plaintiff is only obligated to
12 respond to questions relating to plaintiff. Plaintiff does not contend economic damages for
13 anyone else other than the economic damages suffered by Plaintiff.
14

15 Without waiving said objection and in the spirit of cooperation Plaintiff hereby states that
16 damages are as follows:

17 1. Loss of potential and future income and earning capacity; See Expert Report by
18 Mr. Bruce MacMillan;
19 2. Building Grave: (See bates No. 00046) \$5,000.00;
20 3. Coffin: (See bates No. 00046) \$600.00;
21 4. Funeral Expenses in the sum of \$10,000.00; Jung Soon Lee's mother, father and
22 grandfather came from Korea for her funeral. Their names are Song, Byung Ae,
23 Lee, Kwan Young and Lee, Wol Seung.
24

25

26 **INTERROGATORY NO. 12**

27 Fully and comprehensively state the factors relied on in calculating the economic
28

1 damages and how you calculated the economic damages.

2 **ANSWER:**

3 See Response to question No. 11. Other than the actual expenses, the loss of earning and
4 income was determined using different scenarios and was calculated by Mr. Bruce MacMillan.
5

6 **INTERROGATORY NO. 13**

7 For each economic damage identified in your response to Interrogatory No. 11, please
8 state the name, current address, current telephone number and current email address of each
9 person known to you who possesses discoverable knowledge of the economic damage and the
10 knowledge possessed by each such person.

11 **ANSWER:**

12 Mr. Bruce MacMillan

13 c/o Victorino DLG. Torres

14 P.O. Box 501856

15 Saipan, MP 96950

16 **INTERROGATORY NO. 14**

17 For each economic damage identified in your response to Interrogatory No. 11, please
18 identify each document known to you which supports the claimed economic damage.

19 **ANSWER:**

20 See Bates No. 00046 and response to question No. 11.

21 **INTERROGATORY NO. 15**

22 Fully and comprehensively identify the non- economic damages you content have
23 suffered as a result of the accident and the monetary value placed on such economic damages.

1 **ANSWER:**

2 Objection on the grounds that the question is confusing and non-sensical. The first
3 request is on “non-economic damages” and then it request to place a value on such “economic
4 damages”. If the second part of the question is requested to the non-economic damage, (as it
5 appears that is what it might be) then the following answers are provided. Plaintiff incorporates
6 all of the contents of the Complaint in this response as to damages. Specifically without
7 limitation, Plaintiff has suffered Emotional Distress, Mental Anguish, Loss of Life and Pain &
8 Suffering. The placement of monetary value for each damage or injury has not been determined
9 as of this time.

10

11

12 **INTERROGATORY NO. 16**

13

14 Fully and comprehensively state the factors relied on in calculating the non-economic
15 damages and how you calculated the non economic damages.

16 **ANSWER:**

17 The factors that generally are included in determining the amount would be the entire
18 injuries suffered by Plaintiff. This would include the degree and severity of her injuries to her
19 physical body as well as mental and emotional distress. The severity would naturally include the
20 loss of life.

21

22 **INTERROGATORY NO. 17**

23 For each non-economic damage identified in your response to Interrogatory No. 15,
24 please state the name, current address, current telephone number and current email address of
25 each person known to you who possesses discoverable knowledge of the non-economic damage
26 and the knowledge possessed by each such person.

27

28 **ANSWER:**

1. Park, Jin Joo 235-3535
2. Jung Soon Lee(Deceased)
3. Gyu Jin Kim Unknown. Korea.

4 **INTERROGATORY NO. 18**

5 For each non-economic damage identified in your response to Interrogatory No. 15,
6 please identify each document known to you which supports the claimed economic damage.
7

8 **ANSWER:**

9 Based on information and belief and without having personal knowledge, the police
10 officers and the responding personnel to the scene would have some discoverable information.
11 The exact names of those officers and responding personnel are not known at this time. The
12 police report shows that officers responding and may have discoverable information. It is also
13 believed that Park, Jin Joo, passenger whose number is 235-3535 and Gyu Jin Kim may have
14 discoverable information. Additionally, the nurses and doctors who examined Plaintiff may have
15 discoverable information.
16

17 **INTERROGATORY NO. 19.**

18 State the date, time and cause of Jung Soon Lee's death.
19

20 **ANSWER:**

21 The Certificate of death shows that the time and date of death was 4:22 a.m. on August
22 02, 2004. The cause was Auto Accident.
23

24 **INTERROGATORY NO. 20**

25 State the name, date of birth, nature of relationship, current address, current telephone
26 number and current email address of each heir of Jung Soon Lee.
27
28

1 **ANSWER:**

2 Jung Soon Lee's parents and sibling are still alive. She died unmarried and without
3 children. The names and contact numbers are as follows:

4 1. (Mother) Byung Ae Song whose date of birth is July 27, 1961
5 2. (Father) Lee, Kwan Young whose date of birth is July 01, 1957
6 3. (Brother) Lee, Tae Hoon, whose date of birth is March 06, 1986

7 Address: 459 – 311 Bongcheon 2 dong

8 Kwan – ak gu Seoul City, Korea

9
10 **INTERROGATORY NO. 21**

11 State the amount of each and every settlement or compensation of any kind received by
12 you as a result of Jung Soon Lee's death and the name, current address, current telephone
13 number and current email address of the person making each such settlement or compensation
14 payment.

15 **ANSWER:**

16 Objection on the ground that the question seeks confidential information, unduly
17 prejudicial, irrelevant and will not reasonably lead to relevant evidence. Without waiving said
18 objection, Plaintiff has settled a claim against AON Insurance and Gyu Jin Kim in the sum of
19 \$15,000.00.

20 **INTERROGATORY NO. 22**

21 State the time you contend Jung Soon Lee and Gyu Jin Kim departed defendant's
22 business on the night or morning of the accident and fully and comprehensively explain why
23 Jung Soon Lee got in the vehicle being driven by Gyu Jin Kim instead of calling a taxi or
24 arranging for some other transportation.

1 **ANSWER:**

2 Based on information and belief and without having personal knowledge, Jung Soon Lee
3 (deceased) was also served with alcoholic beverages that it impaired her judgment. As a result
4 of those alcoholic beverages impairing her judgment, she was unable to assess the dangers and
5 risks associated with riding with a drunk driver. Jung Soon Lee (deceased) came with Gyu Jin
6 Kim and the natural response is to ride with Gyu Jin Kim. They departed defendant's premises
7 at or around 3:00 a.m. after consuming alcoholic beverages served by the defendant.

8
9
10 **INTERROGATORY NO. 23.**

11 State Jung Soon Lee's blood alcohol content at the time of her death.

12 **ANSWER:**

13 Based on information and belief and without having personal knowledge, Gyu Jin Kim
14 was prosecuted for driving drunk and the information is available with the Office of the Attorney
15 General, the Clerk of Court (Plea Agreement) and possibly with the Commonwealth Health
16 Center.

17 Respectfully submitted this 22nd day of March, 2007.

18
19
20 TORRES BROTHERS, LLC.

21
22
23 _____/s/ Victorino DLG. Torres
24 VICTORINO DLG. TORRES, Bar No. F0253
25 Attorneys for Plaintiff

The foregoing answers to interrogatories were duly acknowledged before me this ____ day of March, 2007, in my capacity as personal representative of Jung Soon Lee and I have answered them to the best of my knowledge.

/s/ Sung Young Lee
Personal Representative of Jung Soon Lee,
(deceased).

/s/
Interpreter (English-Korean Language)